

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION

Case No. 1:19-md-02875-RBK-JS

MDL No. 2875

THIS DOCUMENT RELATES TO:

*MSP Recovery Claims, Series LLC v. Huahai
US, Inc., et al.,*
Case No. 1:19-cv-06830

DECLARATION OF TIFFANIE MRAKOVICH

I, Tiffanie Mrakovich, under 28 U.S.C. § 1746, declare as follows:

1. I am the Director of Pharmacy at SummaCare, Inc. (“SummaCare”), which assigned to claims to MSP Recovery Claims, Series LLC (“MSPR”). I submit this declaration in support of MSPR’s brief to the Court about production of requested data related to CMS bids and internal projections on Part D pharmacy spends. I have personal knowledge of the facts stated here.

2. SummaCare’s bids to the Centers for Medicare & Medicaid Services (“CMS”) contain highly proprietary and confidential business information, including, for example, projections about inflation in the medical economy, risk assessments for pools of Medicare recipients, health care and pharmaceutical cost projections and other market assumptions relevant to making a successful bid. The very core of SummaCare’s MAO business is making winning bids for MAO contracts. The bids, the modeling and assumptions underlying the bids and related information are the sources and methods critical to SummaCare’s MAO business. Summit County, Ohio is the most competitive Medicare Advantage county in the country according to the Kaiser Family foundation, <https://www.kff.org/medicare/issue-brief/medicare->

advantage-2022-spotlight-first-look/. If any competitor got our sources and methods, they would have a devastating advantage in the marketplace.

3. Moreover, the bids submitted to CMS do not contain cost projections associated with a particular drug or medical condition but rather are aggregated for all drugs and conditions. It is also aggregated for all plan members. There is no way to disaggregate the data to allow a calculation of what is projected to be spent by drug or medical condition.

4. The bid information sought contains highly sensitive information of SummaCare's actuarial consultant, Milliman Inc. ("Milliman"). Milliman assists Summacare in the development of its bids. SummaCare's contract with Milliman forbids the disclosure of information contained or used in connection with CMS bids.

I certify that my statements here are true. I am aware that if any of the statements I have made here are willfully false, I am subject to punishment.

Executed this 20th day of October, 2022.

Tiffany Mrakovich